be applied to the finding of gold, which is not "lost" property, when such gold was found not by virtue of the servant's employment but by mere accident.

MUNICIPAL CORPORATIONS—POLICE POWERS—DISORDERLY HOUSES—MISDEMEANOR—TRIAL BY JURY.—OGDEN V. CITY OF MADISON, 87 N. W. 568 (Wis.).—Francis Ogden was convicted of keeping a disorderly house in violation of an ordinance of the City of Madison. He was tried in the municipal court without jury, in accordance with the ordinance, and from this he appealed. *Held,* that such trial was not in violation of the state and United States Constitution.

The court reasons that the offense here charged is entirely distinct from the common law misdemeanor of keeping a disorderly house, which is an offense against a different sovereignty and it is for this latter alone that the state guarantees a trial by jury. This doctrine is by no means settled, many courts holding that where there is both a state and a municipal law as to the same thing, conviction under one would be a bar to the other, and if this theory, which certainly seems sound, is to be accepted, it follows that the constitution applies to both. *State* v. *Cowan,* 29 Mo. 330; *State* v. *Municipal Court,* 89 Wis. 358, 61 N. W. 1100.

NEGLIGENCE—CHILDREN—TRESPASSERS—LICENSE OR INVITATION—ATTRACTIVE MACHINERY.—RYAN V. TOWAR, 87 N. W. (Mich.) 644.—Action for personal injuries. Judgment for defendant. Appeal. Affirmed. The plaintiff, a girl between 12 and 13 years old, and her younger sister went onto the land of the defendant. On the premises was a house containing a disused overshot wheel. Plaintiff's little sister, while playing with the wheel, got caught between the wheel and the wheel pit, and the plaintiff while rescuing her, became injured. Defendants had never taken any particular steps to stop children from coming onto their premises. *Held,* since plaintiff was a trespasser, defendant owed no duty to her and trial court was correct in directing a verdict for the defendant. Montgomery, C. J., and Moore, J., *dissenting.*

This question has not been decided before in Michigan. The rule was laid down in the Turn Table Cases (*Ry.* v. *Stout,* 17 Wal. 657) by the United States Court, that where one leaves a dangerous machine exposed so as to tempt children to play with it, it is an implied invitation and owner is liable, has in the present case been repudiated.

Michigan is not alone in taking the other view, in fact several states have refused to follow it. But *Powers* v. *Harlow,* 53 Mich. 507, cited the Stout Case, *supra,* and strongly hinted that should the question arise it would follow the federal doctrine. The opinion is an excellent digest of the law on the subject.

NUISANCE—COMMON NUISANCE—ABATEMENT.—STATE V. STARK, 66 Pac. 243 (Kan.).—On Feb. 17, 1901, in the city of Topeka, the appellant, with Carrie Nation and six others, broke into and injured a billiard hall in connection with which intoxicating liquors were sold. By statute, all places where intoxicating liquors are sold or kept for sale are declared to be common nuisances. The court *held,* however, that this fact does not justify their abatement by any person or persons without process of law.

The question who may abate a nuisance may depend upon whether the nuisance is public or private. If it is a private nuisance, he only can abate it who is injured by its continuance. *State* v. *Smith,* 52 Wis. 134. But in *Burnham* v. *Hotchkiss,* 14 Conn. 310, and other earlier cases, it is said that where there exists a common nuisance it may be abated by any individual. But the latter opinion is that this right is never intrusted to individuals in general without process of law and unless there is special injury the private citizen must leave the public injury to be redressed by the public authorities. *Ely* v. *Supervisors,* 36 N. J. 297; *Brown* v. *Perkins,* 12 Gray 89.

RIPARIAN OWNERS—PIERS IN NEW YORK BAY—LATERAL SUPPORT—WHITE V. NASSAU TRUST CO., 61 N. E. 168 (N. Y.).—*Held,* that the law of lateral support does not apply to a support for a pier erected on land under water. This is a novel position. It is based on the theory that the rules as to lateral support of land as it is usually owned have no application to a case such as this. The distinction is drawn in the nature of the substance, that land under water is muddy and plastic in its nature, changing with the ebb and flow of the tide and with anything which affects the bottom of the sea.

STREETS—IRREVOCABLE DEDICATION—PLATS—LAND COMPANIES.—COLLINS ET AL. V. ASHVILLE LAND CO., 39 S. E. 21 (N. C.).—Where land is laid off into numbered city lots and streets, and certain lots are sold with reference in the deeds to a plat thereof, such streets are irrevocably dedicated in favor of purchasers of the lots, even though no registration of the plat is made. Douglass, J., *dissenting.*

The general rule that one purchasing a lot with reference to an unregistered plat has a right to have the adjoining street kept open for its full width to the nearest traveled highway is unquestioned; but whether a purchaser of a lot requires a right of way over every street laid down upon the plat, does not seem definitely settled. In support of the present case are *Conrad* v. *Land Co.,* 126 U. S. 776; *Wolfe* v. *Sullivan,* 133 Ind. 331; *Taylor* v. *Coin,* 29 Gratt. (Va.) 780; *In re Opening of Pearl Street,* 111 Pa. St. 565.

The contrary view is also well supported, *Carey* v. *Toronto,* 11 Ont. App. 416; *Mahler* v. *Brennder,* 92 Wis. 477; *Hawley* v. *Baltimore,* 33 Md. 270; *Pearson* v. *Allen,* 151 Mass. 79.

The dissenting judge strongly protests against carrying to so great lengths the doctrines of street dedication and shows the injustice and unfairness of allowing a purchaser to keep open streets which are of no value or advantage to him.

ALUMNI NOTES.

'76.—Prof. T. S. Woolsey is the acting Dean of the Law School during the illness of Dean Wayland. He will also act as the Faculty Financial Adviser to the Musical Clubs.

'94.—Harrison J. Teller is engaged in fruit raising at Grand Junction, Colorado.